

REMARKS

The application has been reviewed in light of the Office Action dated March 23, 2005. Claims 1 - 32 are pending in this application, with claims 1, 7, 13, 19 and 25-32 being in independent form. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 1-32 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent 6,519,703 to Joyce in view of Applicants' alleged admitted prior art. Applicants have carefully considered the Examiner's comments and the cited art, and respectfully submit the independent claims are patentable over the cited art, for at least the following reasons.

Independent claim 1 relates to a method of selecting a detection method for analyzing computer code for malicious code, comprising providing a plurality of malicious code detection methods, wherein at least some of the malicious code detection methods require different amounts of time to analyze for malicious code, selecting a fastest one of the malicious code detection methods, analyzing computer code for malicious code using the selected malicious code detection method, determining a probability of accuracy of a result of the analysis, selecting a next fastest one of the malicious code detection methods and repeating the analyzing and determining steps, if the probability of accuracy is below a predetermined level and outputting a result of the analysis if the probability of accuracy is at or above the predetermined level.

Joyce, as understood by Applicants, relates to methods and apparatus for heuristic firewall. The Office Action acknowledges that Joyce does not explicitly disclose "wherein at least some of the malicious code detection methods require different amounts of time to

analyze for malicious code, selecting a fastest one of the malicious code detection methods, analyzing computer code for malicious code using the selected malicious code detection method and selecting a next fastest one of the malicious code detection methods.” The Office Action refers to Applicants’ specification as allegedly disclosing these features missing from Joyce. Applicants respectfully disagree.

The Office Action refers to pages 1 and 2 of the specification as allegedly disclosing admitted prior art. In response, Applicants respectfully point out that the portion of the specification referred to in the Office Action is actually “Related Art.” No admission, express or implied, has been made that any description in the specification is “Prior Art” to the present disclosure within the meaning of the patent statutes.

Accordingly, it is respectfully submitted that the present claims are patentable over Joyce.

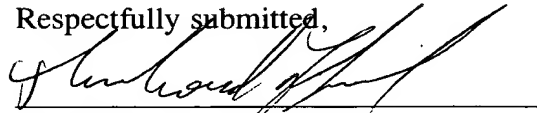
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this Request and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard F. Jaworski', is written over a horizontal line.

RICHARD F. JAWORSKI

Reg. No.33,515

Attorney for Applicants

Cooper & Dunham LLP

Tel.: (212) 278-0400